

Rule 503. Computation of Time

(a) General. All time periods shall be measured by starting to count on the first day after any event happens which by these rules starts the running of a time period. The last day of the time period shall be included unless it is a:

(1) Saturday,

(2) Sunday,

(3) legal holiday, or,

(4) when the act to be done is the filing of a document in court, a day on which weather or other conditions result in the closing of the office of the court administrator of the court where the action is pending, or

(5) where filing or service is either permitted or required to be made electronically, a day on which the unavailability of the computer system used by the court for electronic filing and service makes it impossible to accomplish service or filing, in which event the period runs until the end of the next day that is not one of the aforementioned days.

(b) Time Periods Less Than Seven Days. When the time period is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(c) Legal Holiday. For purposes of this rule, a legal holiday includes all state level judicial branch holidays established pursuant to law and any other day on which county offices in the county in which the conciliation court is held are closed pursuant to law or court order, and with respect to service or filing by U. S. mail, a day that the U. S. mail does not operate.

(d) Additional Time if Service By Mail or Service Late In Day. Whenever a person has the right or is required to do an act within a prescribed period of time after service of a notice or other document, and the notice or other document is permitted to be and is served by U.S. mail, 3 days shall be added to the prescribed time period. If service is made by any means other than by U.S. mail and accomplished after 5:00 p.m. local Minnesota time, 1 additional day shall be added to the prescribed time period.

(Amended effective January 1, 2010; amended effective July 1, 2015.)

1993 Committee Comment

State level judicial branch holidays are defined in Minnesota Statutes 1990, section 645.44, subdivision 5, which includes: New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veteran's Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25. Section 645.44, subdivision 5, further provides that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and that when New Year's Day, January 1; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. Section 645.44, subdivision 5, also authorizes the judicial branch to designate certain other days as holidays. The 1992 Judicial Branch Personnel Plan designates the Friday after Thanksgiving as a holiday.

Conciliation courts are housed in county buildings, and the county is authorized to close county offices on certain days pursuant to Minnesota Statutes 1990, section 373.052. Thus, if a county

closes its offices under Minnesota Statutes, section 373.052, on a day that is not a state level judicial branch holiday, such as Christopher Columbus Day, the second Monday in October, the conciliation court in that county would nevertheless include that day as a holiday for the purpose of computing time under Rule 503. See Mittelstadt v. Breider, 286 Minn. 211, 175 N.W.2d 191 (1970) (applying Minnesota Statutes, section 373.052, to filing of notice of election contest with district court). If a county does not close its offices on a day that is a state level judicial branch holiday, such as the Friday after Thanksgiving, the conciliation court in that county must still include that day as a holiday for the purpose of computing time under Rule 503.

Advisory Committee Comment - 2009 Amendment

Rule 503(c) is amended to clarify that for service or filing by mail, if U. S. Postal Service offices are closed on a particular day, that day is not deemed a "working week day" for the purpose of the rule, effectively permitting the mailing to be made on the next day that is a "working week day." This change conforms the rule to the time calculation provision of Minn. R. Civ. P. 6.01, which in turn was amended in 2008 to conform the rule to the Minnesota Supreme Court decision in Commandeur LLC v. Howard Hartry, Inc., 724 N.W.2d 508 (Minn. 2006) (holding that where the last day of a time period occurred on Columbus Day, service by mail permitted by the rules was timely if mailed on the following day on which mail service was available).